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10 *Rainbow Canyon Retreat ("Fresh Start")*

11 **UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF NEVADA**

13 DAVID WELCH, a Texas Citizen; STACY
14 WELCH, a Texas Citizen; and JACK WELCH,
a Texas Citizen,

15 Plaintiffs,

16 vs.

17 NARCONON FRESH START d/b/a
18 RAINBOW CANYON RETREAT, a
California Corporation; ASSOCIATION FOR
19 BETTER LIVING AND EDUCATION
INTERNATIONAL; NARCONON
20 INTERNATIONAL; and DOES 1-100, ROE
Corporations I-X, inclusive,

21 Defendants.
22

CASE NO. 2:14-cv-00167-JCM-CWH

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

SEVENTH REQUEST

23 IT IS HEREBY STIPULATED, by and between:

24 **Plaintiffs:** DAVID WELCH, STACY WELCH, and JACK WELCH, through their counsel of
record, Ryan Hamilton, Esq. of HAMILTON LAW, and Robert T. Eglet, Esq. and Artemus W. Ham,
25 Esq. of EGLET PRINCE LAW GROUP; and

26 **Defendant:** NARCONON FRESH START dba RAINBOW CANYON RETREAT, through its
counsel of record, S. Brent Vogel, Esq. and Alayne M. Opie, Esq. of LEWIS BRISBOIS BISGAARD
27 & SMITH LLP, and William H. Forman, Esq. of SCHEPER KIM & HARRIS LLP; and

Defendant: ASSOCIATION FOR BETTER LIVING AND EDUCATION INTERNATIONAL and NARCONON INTERNATIONAL, through its counsel of record, Robert C. Baker, Esq. of BAKER KEENER & NAHRA

1. Discovery Completed to Date:

- A. Parties have propounded lengthy written discovery and parties have answered;
- B. The parties have disclosed numerous records and evidence;
- C. The parties have disclosed initial experts (17 experts in total);
- D. The following depositions have commenced: Plaintiff Stacy Welch; Plaintiff David Welch; Plaintiff Jack Welch; Dr. Robert Earle (non-appearance); James Chapman, LCDC; Dr. Mavis Fujii; Dr. Jason Powers; Dan Morgan; David Venemon; Wendy Shultz; Dr. Stephen Lippold; Anne McNulty, NP; Dr. Christina Ivan; FRCP 30b6 witness of The Right Step; Hayley Matthews;
- E. A Motion to Compel the Deposition of Robert Earle, Ph.D. was filed in the United States District Court, District of Southern Texas. Thereafter, Fresh Start and Dr. Earle submitted a Joint Motion to Extend Deadlines to essentially stay the Motion. Dr. Earle's deposition has been re-noticed for July 17, 2015;
- F. Meet and confer conferences have occurred regarding a second day of Jack Welch's deposition and a Motion to Compel the same has been drafted.
- G. Meet and confer conferences have occurred regarding the parties written discovery responses.
- H. The parties have produced numerous FRCP 26f disclosures

2. Discovery that Remains to be Completed:

- A. Additional depositions of the Defendants' representatives;
- B. Additional depositions of percipient witnesses;
- C. Additional depositions of Jack Welch's medical providers;
 - a. Presently, the following depositions are on calendar:
 - i. Jennifer Rankel, June 12, 2015 in Phoenix, Arizona
 - ii. Vernon Kirk, M.D., June 16, 2015, St. George, Utah

- iii. FRCP 30b6 of NI: July 7, 2015 in Anaheim, California
- iv. FRCP 30b6 of ABLE: July 8, 2015 in Anaheim, California
- v. Josh Penn and Larry Trahant: July 9, 2015 in Anaheim, California
- vi. FRCP 30b6 of Fresh Start: July 10, 2015 in Anaheim, California
- vii. Robert Earle, Ph.D., July 17, 2015 in Houston, Texas

- D. Disclosure of rebuttal experts;
- E. Depositions of the parties' experts (including rebuttal experts that are to be disclosed).
The parties anticipate disclosing approximately twenty (20) experts total;
- F. Briefing regarding Fresh Start's Motion to Compel Second Day of Jack Welch's
Deposition;
- G. Additional written and deposition discovery as determined by the parties.

3. Why Discovery Was Not Completed Within the Limits Set by the Discovery Order

A vast amount of discovery has taken place in this case since discovery opened. The parties have diligently worked, taking numerous depositions in multiple states across the United States. Depositions have occurred in Houston, Texas (necessitating four trips thus far); Denver, Colorado; Anaheim, California; Beverly Hills, California; Phoenix, Arizona; Valencia, California; and Las Vegas, Nevada. Despite the parties' diligent efforts to move discovery along, the diverse locations of the witnesses, combined with the multiple scheduling conflicts, have made it difficult to complete the necessary depositions by the deadline to disclose rebuttal experts. Additionally, a key medical provider, Dr. Earle, outright refused to appear for his deposition, necessitating a Motion to Compel.

The parties request a one hundred and twenty (120) day extension, in good faith, of the current deadlines. This extension will afford the parties' experts' sufficient time to review the upcoming deposition transcripts which will necessarily build the foundation for their expert opinions, before providing expert reports.

4. Proposed Schedule for Completing Discovery

On April 29, 2015, this Honorable Court granted the parties' Amended Stipulation and Order to Extend Discovery Deadlines (Sixth Request) (Doc. 84). Currently, the discovery deadlines are as follows:

1	Last day to serve initial disclosures	Closed
2	Last day to file a motion to add parties	Closed
3	or amend pleadings	
4	Initial expert disclosure deadline:	Closed
5	Interim Status Report	Closed
6	Rebuttal expert disclosure deadline:	June 29, 2015
7	Discovery cut off:	August 28, 2015
8	Last day to file dispositive motions	October 27, 2015
9	Joint Pretrial Order	December 2, 2015

10 The proposed schedule for completing the remaining discovery is as follows:

11	Last day to serve initial disclosures	Closed
12	Last day to file a motion to add parties	Closed
13	or amend pleadings	
14	Initial expert disclosure deadline:	Closed
15	Interim Status Report	Closed
16	Rebuttal expert disclosure deadline:	October 27, 2015
17	Discovery cut off:	January 26, 2016
18	Last day to file dispositive motions	March 16, 2016
19	Joint Pretrial Order	April 21, 2016

20 **5. Certificate of Conference and Stipulation**

21 Counsel for the parties have conferred by email and have signed below, indicating their
 22 agreement to this Stipulation and Order to Extend Discovery Deadlines (Seventh Request). The
 23 parties do not request a conference with the Magistrate before entry of an Amended Scheduling
 24 Order, should one be required.

25 Dated this 8th day of June, 2015

Dated this 8th day of June, 2015

26 **HAMILTON LAW**

LEWIS BRISBOIS BISGAARD & SMITH LLP

27 By: Artemus Ham
 Ryan Hamilton

By: Alayne M. Opie
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10		<i>Counsel for Fresh Start</i>
11	Dated this 8 th day of June, 2015	
12	BAKER KEENER & NAHRA	
13	By: _____ Robert Baker	
14	Robert Baker	
15	633 W. 5 th Street, Suite 5500	
16	Los Angeles, Ca 90071	
17	and	
18	Robert McBride	
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23	<i>Counsel for NI and ABL</i>	
24		
25		
26		
27		
28		

ORDER

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the deadlines in this case are as follows:

Rebuttal expert disclosure deadline:	October 27, 2015
Discovery cut off:	January 26, 2016
Last day to file dispositive motions	March 16, 2016
Joint Pretrial Order	April 21, 2016

Dated this 8 day of June, 2015



United States Magistrate Judge

Respectfully submitted by:

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Alayne Opie
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and
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Counsel for Fresh Start

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of LEWIS BRISBOIS BISGAARD & SMITH LLP and that on this 8th day of June, 2015, I did cause a true copy of the foregoing **STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES (SEVENTH REQUEST)** to be served via the CM/ECF electronic system to all parties on the service list.

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